

Launch Final Rule Issue Clarification Record

1. Date:
2/4/03; 2/7/03
2. Subgroup/FAA Person Seeking Clarification:
Admin group/Rebecca Martin
3. Company/Industry Person Contacted:
Orbital Sciences/ Chris DeMars
4. Issue:
FAA needs clarification on why changes to the definition of <u>waiver</u> would improve simplicity and flexibility. Joint Commenters suggested that the FAA definition of a waiver may apply where a failure to satisfy a safety requirement involves a significant increase in risk rather than a statistically or mathematically significant increase in risk. They suggested that this would simplify the definition and keep it flexible.
5 Discussion:
2/5/03 9 a.m. ET – left message and awaiting return phone call. 2/7/03 - Received call from Chris DeMars. He clarified the comment by indicating that the way the definition was proposed in the SNRPM suggested that in order for a launch operator to ask and be granted a waiver, it would need to show a mathematical or statistical analysis in order to justify a waiver request. He further stated the opinion that, if the definition remains as written, it appears that the FAA could block a waiver request when a launch operator does not have a statistical or mathematical analysis to justify the significant increase in risk. Chris said that he would further investigate which of the Joint Commenters proposed this comment and make sure that his opinion was consistent with the original intent of the comment.
6. Conclusion: